

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD WHITEHURST,

Plaintiff,

v.

ALL WALGREEN COMPANY STORES,
et al.,

Defendants.

No. C 10-4195 PJH

ORDER

On July 25, 2012, pro se plaintiff Richard Whitehurst filed what appears to be a combination request for entry of default and motion for default judgment in the above-entitled action. The court previously granted defendants' motion to dismiss on grounds of res judicata, based in part on the fact that the claim asserted in the present case was identical to the claim adjudicated in an earlier case. The court entered judgment on December 28, 2012.

Plaintiff now asserts that the judgment was a "partial judgment" only, because the order granting the motion to dismiss did not address the claims against all defendants – specifically the claims against approximately 28 Walgreens stores located in San Francisco. However, the defendant "All Walgreen Company Stores" plainly includes within it all individual stores, and defendants sought dismissal of all claims against all defendants.

Moreover, plaintiff did not file a notice of appeal within the time allowed. Accordingly, the case is closed, and plaintiff's motion is DENIED.¹

IT IS SO ORDERED.

Dated: July 26, 2012



PHYLLIS J. HAMILTON
United States District Judge

¹ To the extent that plaintiff's request can be interpreted as a motion for relief from final judgment pursuant to Federal Rule of Civil Procedure 60(b), plaintiff has stated no grounds for relief under that rule.